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Mr. Kranich
My Book

UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

February 11, 1966

EIGHTEEN NATION DISARMAMENT COMMITTEE
JANUARY 1966

POSITION PAPER

NON-PROLIFERATION

The attached paper has been approved for use by
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ENDC MEETING

Geneva, January 27, 1966

Position Paper

NON-PROLIFERATION

I. Recommended US Position

1. Overall Objective. The US should continue to seek early agreement on an effective non-proliferation treaty which will permit continuation of existing NATO nuclear sharing arrangements and establishment of new arrangements acceptable to the US.

2. Immediate Objectives. The immediate objectives of the US at Geneva are (a) to engage the Soviets in serious negotiations of a treaty text to whatever extent this may be possible; (b) to provide sufficient momentum to the non-proliferation discussions to give key non-nuclear countries encouragement in putting off any decisions to acquire nuclear weapons; (c) to highlight the merits of the US position with respect to its draft treaty and its overall approach to non-proliferation; (d) to draw attention to the political motivations behind the Soviet approach and to the limitations of the Soviet treaty; (e) to avoid, as much as possible, discussions of existing or possible future arrangements for NATO participation in nuclear sharing (see separate contingency paper on this subject); and (f) to maintain, to the greatest extent possible, solidarity among the Western allies so as to minimize any opportunities for Soviet attacks on the US position.

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3. US-UK Consultations and Revised Treaty Text. In bilateral US-UK consultations of January 19 and 20, the US and the UK worked out changes in Articles I, II and IV of the US draft treaty of August 1965. After further consultations, including the FRG and the ENDC Western Four, treaty changes have been approved, as set forth in Annex A - Part I. An explanation of the changes is contained in Annex A - Part II.

4. Negotiations with the USSR. At Geneva, the US delegation should attempt to engage the Soviets in serious treaty discussions. The delegation should present to the Soviets the amendments to Articles I, II and IV set forth in ANNEX A, explaining that these amendments are based upon the recent correspondence between Ambassador Dobrynin and Secretary Rusk (see ANNEX B for the Secretary's statement). In addition, pursuant to the informal understanding of Secretary Rusk and Foreign Minister Gromyko at New York during the UN session, the delegation should continue US efforts to negotiate agreed treaty language with respect to other treaty articles. For this purpose, the delegation should use the guidance contained in ANNEX C.

5. Participants in the Negotiations. If the UK presses its request to participate in trilateral US, UK, USSR non-proliferation negotiations at Geneva, the US delegation (a) should reply that establishment of formal US, UK, USSR non-proliferation talks would be undesirable in the absence of a Soviet intention to negotiate seriously and that continuation of Co-Chairmen's discussions in the accustomed manner will provide opportunity to ascertain if and when the Soviets are ready to negotiate seriously; (b) may arrange for trilateral discussions with the USSR and the UK when it appears that these would contribute to

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serious non-proliferation negotiations; and (c) should oppose any arrangement for trilateral talks which might prejudice the freedom of the two Co-Chairmen to discuss any subject, including non-proliferation, among themselves alone, whenever they wish.

6. Presentation to the ENDC. The delegation should not table a revised US draft treaty if the Soviets give evidence of willingness to engage in serious negotiation of treaty texts. However, if and as soon as it becomes apparent that the Soviet delegation is not willing to engage in such negotiations, the US delegation may table, either alone, jointly with the UK, or as a Western Four proposal, a revised draft treaty consisting of amendments to Articles I, II and IV as set forth in ANNEX A. The delegation should portray the revised US treaty as constituting a genuine effort to advance the negotiations, explaining that these changes incorporate language from the Soviet treaty and, in one case, result from an Indian suggestion. (See explanation of treaty changes in ANNEX A.)

7. IAEA Safeguards. The US position on IAEA safeguards and guidance on Article III of the US treaty is contained in a separate paper.

8. Unilateral Non-Acquisition Declarations. With regard to the Italian proposal for a unilateral non-acquisition declaration (the "Fanfani Proposal"), we should reiterate our view that efforts to achieve a treaty should continue to receive priority but that, nevertheless, the Italian proposal is a constructive initiative which could be implemented to freeze the existing number of nuclear powers if negotiations on a treaty are unduly prolonged (a decision which could probably better be made following the ENDC session).

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9. Non-Aligned Interest in an Integrated Program.

If any of the non-aligned urge that it is necessary to work out an integrated non-proliferation package and that a non-proliferation treaty should not come into force by itself, the delegation should reply that agreement should be sought and concluded on whatever non-proliferation measures can be agreed upon, particularly a non-proliferation treaty, and additional conditions should not be created which would make the task more difficult. The US, however, is actively seeking and will continue to seek related non-proliferation measures, such as a comprehensive test ban, and measures to reduce armaments.

II. Anticipated Foreign Positions

A. USSR

At the opening of the Twentieth General Assembly, the USSR submitted a Soviet draft non-proliferation treaty (see ANNEX D). This draft would clearly preclude an MLF, ANF or any other jointly owned NATO force. The terms of the treaty do not make clear whether or not it was intended also to prohibit existing NATO nuclear arrangements or consultative arrangements such as the Special Committee. However, in a recent conversation in Moscow, Foreign Minister Gromyko informed Ambassador Kohler that if by any chance the US reached agreement with the FRG on access, including access on a "political plane", to questions relating to the use of nuclear weapons, that would close the door to agreement on non-proliferation and the Soviets would have to take necessary steps looking to their own security and that of their allies.

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The Soviets can, accordingly, be expected to maintain their position that the obstacle to agreement on a non-proliferation treaty is the US insistence on allowing the FRG to get access to nuclear weapons through NATO nuclear sharing arrangements.

During Secretary Rusk's October conversation with Foreign Minister Gromyko at the UN, Gromyko agreed to the Secretary's proposal that experts on both sides should meet to "clear away the underbrush" in the two draft treaties, i.e., to seek agreement on provisions, other than Articles I and II, which do not involve the basic non-proliferation obligations.

B. Major US Allies

The UK, Canada and Italy will all continue to find the Soviet treaty unacceptable because of the threat it appears to pose to existing NATO nuclear arrangements and to prospects for a Special Committee and other nuclear sharing possibilities.

In December 1965, the UK proposed to the US that trilateral non-proliferation talks take place between the US, the UK and the USSR. The US responded that such talks would not seem desirable for the time being, but the matter could be given further consideration once the ENDC resumes. The UK then requested bilateral talks with the US prior to the opening of the ENDC in order to see whether amendments to the US treaty can be agreed upon which will make it possible for the UK to endorse the US draft.

Canada, Italy and the FRG have previously supported the US approach in its treaty with respect to leaving open nuclear sharing possibilities. They did not support the UK approach of precluding, in effect, any

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possibility of a European force. Of the allies, the FRG was the most concerned that a treaty should not be presented which would limit the possibilities of evolution toward European integration in the field of nuclear defense. With respect to non-acquisition undertakings, we expect that Italy will maintain its interest in the Fanfani proposal as an expedient measure. Canada and Italy both may show some sympathy in the ENDC with the sensitiveness of some non-aligned delegations toward "discriminatory" aspects of a non-proliferation treaty which would bind non-nuclear states while leaving nuclear states free to perfect their weaponry.

C. Non-Aligned

Although all of the Eight non-aligned have given some support to a non-proliferation treaty, there have emerged differences of opinion concerning the priority which should be given to such an agreement in comparison with other measures which would affect nuclear as well as non-nuclear countries. An attempt to arrive at a common position was made in their Joint Memorandum of September 15, 1965, stating that non-proliferation measures should be "coupled with or followed by" tangible steps to halt the nuclear arms race and reduce existing nuclear arsenals. Of the non-aligned, India has been most insistent that a non-proliferation treaty must be directly linked to undertakings by the nuclear powers to freeze and reduce nuclear arms production and arsenals. She has suggested a two-stage treaty, the first to contain nuclear disarmament and non-dissemination undertakings by nuclear powers and the second non-acquisition undertakings by the non-nuclears. Apparently with a view to deferring a non-acquisition agreement by non-nuclear countries until the nuclear powers have made progress toward nuclear

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disarmament, India has also indicated that "Fanfani declarations" might be "dovetailed" into this two-stage process. Sweden also proposes a "package" approach including restraints on the nuclear as well as the non-nuclear countries, and in particular, gives priority to a comprehensive test ban in comparison with a non-proliferation agreement. Nigeria finds NATO nuclear-force proposals an obstacle to agreement. It also believes indispensable a pledge by nuclear powers not to use nuclear weapons against non-nuclear powers. Nigeria has also stated that it does not believe a non-proliferation agreement will prove effective unless disarmament measures can be achieved. The UAR, while supporting a non-proliferation treaty, has spoken generally of the need not to give nuclear powers "certain privileges"; she has also called for a treaty without escape clauses, to which "all" could adhere, and which would be a step toward a non-use prohibition. Brazil finds a comprehensive test ban "at least as urgent" as a non-proliferation treaty.

III. Background and Discussion

1. Past Negotiations with the USSR. On April 12, 1963 Secretary Rusk handed to Ambassador Dobrynin a US draft non-transfer declaration. The key provision of this draft stated:

"The Governments of France, the UK, the US and the USSR solemnly declare that they will not transfer any nuclear weapons directly, or indirectly through a military alliance, to the national control of individual states not now possessing such weapons, and that they will not assist such other states in the manufacture of such weapons."

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The Secretary also presented a Minute for possible use in discussion of the draft non-transfer declaration. The Minute explained the intent and operation of the non-transfer declaration. The USSR refused to accept the US draft, asserting that the draft permitted an MLF and this must be prohibited.

In numerous conversations, US spokesmen have argued with the Soviets: that proliferation is not primarily a European problem; that the threat of proliferation into the national control of other states is imminent in places outside Europe, e.g., India; that US proposals for a non-proliferation treaty would prevent such proliferation; and that failure to prevent proliferation outside Europe will make the risk of proliferation within Europe (i.e., to the FRG) greater. The Soviet Union has not, as a result of these arguments, displayed interest in US proposals for a non-proliferation treaty.

The Soviet Union probably submitted its draft non-proliferation treaty at the UN in 1965 in response to the US submission of a draft treaty at Geneva. (See paragraph 2 below for discussion of the development of the US treaty.) Although it was clear at the outset that the Soviet treaty, by its terms, would prevent an MLF, ANF or any other jointly owned nuclear force, the Soviets did not make clear their intentions regarding the prohibition of existing alliance nuclear sharing arrangements or arrangements for consultations such as the Special Committee. Only recently have the Soviets made clear that in their view even consultations with the FRG on use of nuclear weapons, such as the Special Committee, would constitute an unacceptable form of proliferation. (See Section II (b) on the position of the USSR.) It still remains uncertain whether the Soviets intend that their treaty should prevent any existing alliance nuclear arrangements. The language of the Soviet treaty is, however, sufficiently broad so that the Soviets could use such language in order to attack such arrangements.

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During Secretary Rusk's October conversations with Foreign Minister Gromyko at the UN, Gromyko agreed to the Secretary's proposal that the experts on both sides should meet to "clear away the underbrush" in the two draft treaties, i.e., to seek agreement on the provisions not involving alliance nuclear arrangements. Thereafter, Mr. Foster described to Ambassador Tsarapkin the reasons why the US articles other than I and II (dealing with transfer of nuclear weapons control and assistance) had been drafted as they had, and asked certain questions concerning the Soviet draft. With the exception of his statement that the Soviets would not insist upon French or Communist Chinese accession to bring the treaty into force, Tsarapkin's statements largely concerned Articles I and II. In general, Tsarapkin indicated lack of interest in clearing away the underbrush until the central problem of allied nuclear arrangements was settled. He said that if agreement could be reached on Articles I and II, agreement on the remainder would not be difficult.

2. US-UK Discussions and Development of the US Treaty. During the spring and early summer of 1965, the UK mounted a campaign to sell its non-proliferation position to its electorate and to other nations. It gave copies of a draft non-proliferation treaty to a number of its allies and perhaps to others. This draft prohibited nuclear powers from transferring control of nuclear weapons to any non-nuclear state, "or to any association of states". "Control" was defined as the "power to use nuclear weapons without the consent of a nuclear state".

The draft would thus have permitted a common, allied nuclear force if one of the nuclear powers retained its veto over that force. This was consistent with the British ANF position which, with the non-proliferation position, was described to Parliament and to the press.

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Our response to the UK draft was negative. But the UK continued its efforts, even threatening to table its own draft at the ENDC. To head this off, we offered the UK the opportunity to table, as its own, a draft we had prepared which we believed would enjoy alliance support. This was substantially the same draft as that ultimately tabled by the US.

We told the UK that their draft was unacceptable (1) because it would preclude any agreed allied force from growing into a veto-free European force; (2) because it would cement into a US-agreed non-proliferation treaty draft a UK ANF position which we had not accepted in the nuclear sharing discussions; and (3) because it would show US-UK hostility toward the MLF concept supported by Erhard and Shroeder just before the German election.

We contended that the US-prepared draft offered to the British would not be disseminatory as it would preclude any increase in the number of independent nuclear forces. This would hold open options for both the ANF and the MLF concepts, but no new, veto-free force could be created unless a nuclear power gave up all its weapons to the force and its veto over them. We did not propose to do that and we were sure the British and the French did not either.

The British refused to adopt our draft as their own. They argued that their draft left open a large enough option for a veto-free European force. Under the UK draft, if a United States of Europe were created as a new State succeeding to its formerly separate national components, it would also succeed to the nuclear weapons of those components. This would not be a transfer of control to a non-nuclear state or association of states. It would therefore be permitted under the UK draft. Any wider option than this for a veto-free European force the British regarded as disseminatory and inconsistent with prior Labour positions.

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The UK persisted in this view throughout the allied discussions in Paris and Geneva even though the FRG, the Italians and the Canadians, among others, ultimately agreed to the US draft. Finally, after exchanges at a high level, the UK agreed not to table its own draft and to support the US draft provided the UK position was made clear to the ENDC.

For the ENDC statement of its position, the UK agreed to substitute "theoretical possibility" of dissemination for "loophole" in describing the conditions stated in the US draft under which a veto-free European force might come into being. However, UK representatives used the expression "loophole" in private conversations, and all ENDC members were soon made aware of the US-UK difference. As it turned out, the Soviets did not seize upon the difference, probably because they were interested in preventing any ANF-MLF and would not have found the UK draft more attractive.

The actual difference between the US and UK positions is not great. The US position would leave open an option for the transfer of nuclear weapons to a multilateral organization under conditions which might theoretically be somewhat short of the full European unity required by the UK position. NSAM 322 provides for retention of the American veto with the following possible exception: "If, however, major nations of Europe some day achieve full political unity with a central political authority capable of making a decision to use nuclear weapons, the United States recognizes that this will create a new situation in which reconsideration of various provisions of the charter would be appropriate." (Emphasis added.)

The statement on this subject which Mr. Foster was authorized (TODIS 1809) to make at Geneva provides:

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"We would not want to preclude for all time any new collective political and defense entity which might, with great effort and patience, be created over an extended period in Western Europe. We would not want to preclude such an entity from possessing and controlling nuclear weapons, if it should in fact develop the capability to assume the nuclear defense responsibilities of its formerly separate national components -- some of which are now nuclear powers." (Emphasis added.)

The difference between the US and UK thus has to do only with the possibility of a veto-free European force, and only with the degree of European unity required before such a force might come into being. We require a new entity with "full political unity," "a central political authority" and "the capability to assume the nuclear defense responsibilities of its formerly separate national components". The European unity needed to produce this could, theoretically at least, be short of the UK-evisaged unity which must be sufficient to produce agreement on a new European State which succeeded to the nuclear assets of its formerly separate national components.

The changes in Articles I, II and IV of the US treaty agreed upon during the US-UK talks of January 19 and 20 (see ANNEX A) do not relate to the substantive differences described above.

3. Non-Proliferation at the 20th GA. At the 20th session of the UN, the Eight ENDC non-aligned delegations submitted a joint resolution on non-proliferation. This draft, after amendment, was adopted by a vote of 93-0 with 5 abstentions (Pakistan, Rumania, Cuba, France and Guinea). Both the US and the USSR voted in favor.

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The resolution calls upon the ENDC to give urgent consideration to non-proliferation and to base the negotiation of a non-proliferation treaty on the following principles:

a. "The treaty should be void of any loopholes which might permit nuclear or non-nuclear powers to proliferate, directly or indirectly, nuclear weapons in any form". Comment: We have maintained and should continue to maintain that our draft treaty does not contain any "loopholes" which would permit proliferation since, in our view, transfer to an international organization under the conditions set forth in the US treaty is not proliferation. On the other hand the Soviets have claimed and will undoubtedly continue to claim at the ENDC that permitting increased FRG "access" to nuclear weapons, as the US treaty would, constitutes a major loophole.

b. "The treaty should embody an acceptable balance of mutual responsibilities and obligations of the nuclear and non-nuclear Powers". Comment: Some of the Eight may maintain that this represents an endorsement of a principle that a non-proliferation treaty should be accompanied by other steps, i.e., by an "integrated" program of non-proliferation measures.

c. "The treaty should be a step toward the achievement of general and complete disarmament and, more particularly, nuclear disarmament". Comment: The US delegation may point to US proposals regarding a freeze of SNDV's, cutoff of fissionable materials production and destruction of nuclear weapons, and comprehensive test ban, to demonstrate that the US is seeking practical limitations in the nuclear field.

d. "There should be acceptable and workable provisions to ensure the effectiveness of the treaty". Comment: The US delegation may use this clause to support the US position regarding the desirability of an IAEA safeguards provision in the non-proliferation treaty.

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e. "Nothing in the treaty should adversely affect the right of any group of states to conclude regional treaties in order to ensure the total absence of nuclear weapons in their respective territories". Comment: This clause was inserted in recognition of the wide-spread interest in nuclear free zones. (See separate paper for guidance on NFZs.)

4. Additional Tactical Considerations. If we are forced by Soviet charges to deal in public with the application of the Soviet draft to existing or contemplated NATO arrangements (including MLF/ANF), we should emphasize that we are cognizant that the states of Western Europe are targetted by Soviet missiles, and the MLF/ANF would be fully consistent with non-proliferation. We should drive home the point that we are attempting to deal with the world-wide threat of nuclear spread, whereas the Soviets are intent first and foremost on using a non-proliferation agreement to further their own political objectives in Europe which have nothing to do with stopping proliferation.

In elaborating the above point, we should inter alia (a) reiterate our position that we seek no nuclear sharing arrangement in NATO which could lead to proliferation, (b) point up the need for IAEA safeguards as a protection primarily for the non-nuclear powers, and (c) explain the significance for non-nuclear countries of the review clause in our draft treaty.

Attachments:

- Annex A, Parts I and II
- Annex B
- Annex C
- Annex D
- Annex E

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February 11, 1966

~~CONFIDENTIAL~~REVISED DRAFT ARTICLES I, II AND IV OF A NON-PROLIFERATION TREATYARTICLE I

Each of the nuclear-weapon States party to this treaty undertakes:

1. Not to transfer nuclear weapons into the national control of any non-nuclear weapon State, or into the control of any association of non-nuclear-weapon States.
2. Not to provide to any non-nuclear-weapon State or association of such States --
 - (a) assistance in the manufacture of nuclear weapons, in preparations for such manufacture, or in the testing of nuclear weapons; or
 - (b) encouragement or inducement to manufacture or otherwise acquire its own nuclear weapons.
3. Not to take any other action which would cause an increase in the total number of States and associations of States having control of nuclear weapons.
4. Not to take any of the actions prohibited in the preceding paragraphs of this Article directly, or indirectly through third States or associations of States, or through

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units of the armed forces or military personnel of any State, even if such units or personnel are under the command of a military alliance.

ARTICLE II

Each of the non-nuclear-weapon States party to this treaty undertakes:

1. Not to manufacture nuclear weapons, and not to seek or to receive the transfer of nuclear weapons into its national control or into the control of any association of non-nuclear-weapon States of which it is a member.
2. Not to seek or receive, and not to provide whether alone or in any association of non-nuclear-weapon States:
 - (a) assistance in the manufacture of nuclear weapons, in preparations for such manufacture, or in the testing of nuclear weapons; or
 - (b) encouragement or inducement to manufacture or otherwise acquire its own nuclear weapons.
3. Not to take any other action which would cause an increase in the total number of States and associations of States having control of nuclear weapons.

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4. Not to take any of the actions prohibited in the preceding paragraphs of this Article directly, or indirectly through third States or associations of States, or through units of its armed forces or its military personnel, even if such units or personnel are under the command of a military alliance.

ARTICLE IV

In this treaty

- (a) "Nuclear-weapon State" means a State controlling nuclear weapons as of . . . (date)
- (b) "Non-nuclear-weapon State" means any State which is not a "nuclear-weapon State".
- (c) "Control" means right or ability to fire nuclear weapons without the concurrent decision of an existing nuclear-weapon State.
- (d) Definition to be agreed will establish that treaty limitations apply alike to nuclear weapons and any other nuclear explosives.

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EXPLANATION OF TREATY CHANGES

Described below are minor changes in the text of Articles I, II, and IV of the US treaty which we intend to introduce for clarification, to incorporate some language from the Soviet draft treaty and in one case to adopt an Indian suggestion. They make no basic change in the position reflected in the US draft treaty tabled at the ENDC on August 17, 1965. The changes are discussed in the order in which they appear in the revised draft.

1. Nuclear-weapon State. The US Draft Treaty uses the expression "nuclear State" which is defined as a State "possessing independent power to use nuclear weapons . . ." The Soviet Draft Treaty refers simply to parties "possessing nuclear weapons." The Indian representative criticized the expression "nuclear state" on the ground that India, although it did not possess nuclear weapons, had nuclear capability. His concern was to minimize the status given the Chinese Communists by their bomb. He suggested the language "nuclear-weapon state" be substituted for "nuclear State". The revised draft would do just that, and also substitute "non-nuclear-weapon State" for "non-nuclear State." The new language would not change the scope of the present US draft.

2. Association of non-nuclear-weapon States. The first paragraph of Articles I and II would contain language prohibiting the transfer of nuclear weapons into the control of "any association of non-nuclear-weapon states." This change is designed to make explicit the intent of the US draft treaty not to transfer nuclear weapons to a non-nuclear state, or for that matter, to several non-nuclear states acting together. This of course has no effect on possible future arrangements for NATO nuclear defense since the new language would not extend to an association which included a nuclear State.

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3. Assistance in preparation for the manufacture of nuclear weapons or in the testing of such weapons. (para. 2(a) of Arts. I and II) The Soviet Draft prohibits nuclear states from assisting non-nuclear states "in preparations for the manufacture or in the testing" of nuclear weapons. This thought is, in effect, already included in the US Draft Treaty's prohibition on assistance "in the manufacture of nuclear weapons." However, there appears to be no reason not to be more explicit.

4. Encouragement of inducement to manufacture or otherwise to acquire nuclear weapons. (para. 2(b)) of Arts. I and II) Article II of the Soviet draft contains broad and ambiguous language banning "support, encouragement or inducement to States seeking to own, manufacture or exercise control over nuclear weapons." The proposed new US language would separate out the "encouragement or inducement" concept making clear that it applies only to encouragement or inducement to "manufacture or otherwise acquire its own" nuclear weapons.

5. No increase in total number of States and "associations" controlling nuclear weapons. (para. 4 of Arts. I and II) The revised draft would ban any other act which would "cause an increase in the total number of States and associations of States having control of nuclear weapons." Aside from language resulting from a new definition of control referred to in para. 7 below, the only change in this formulation from the present US draft is the use of "States and associations of States" for "states and other organizations." This change has no substantive significance.

6. No prohibited actions through association of States or through "units of the armed forces." (para. 4 of Arts. I and II) The 1963 Draft Non-Transfer Declaration given Soviet Ambassador Dobrynin by Secretary Rusk prohibited transfers of nuclear weapons into the national control of non-nuclear countries, either "directly, or indirectly through a military alliance . . ."

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An explanatory Minute which accompanied the declaration said:

"The declaration proposed by the US would prohibit the U.S. or the Soviet Union from placing nuclear weapons under the control of units of the national forces of nations in the NATO or Warsaw Pact which do not now possess nuclear weapons even though those units are assigned to the NATO or Warsaw Pact command structure."

Articles I and II of the Soviet draft treaty are considerably more explicit than the U.S. draft on this point. They contain some language reminiscent of the U.S. Minute of 1963.

The new paragraph 4 states explicitly the general provision of the present US draft not to transfer national control of nuclear weapons "either directly, or indirectly through a military alliance." It does so, however, using language from the Soviet draft rephrased somewhat to meet the purposes of the present US draft.

7. Definition of "control". (Art. IV(c)). In the present US draft, the word control is not explicitly defined. However, its meaning is clear from the prohibition on any action to increase the number of entities with "independent power to use nuclear weapons". For the purpose of clarity, the new language makes explicit the definition of control, spelling out what has been intended by the phrase "independent power to use nuclear weapons". No substantive change would result.

8. Definition regarding nuclear weapons and other nuclear explosives. New language in brackets in subparagraph (d) of Article IV indicates that a definition should be agreed upon to establish that treaty limitations will apply alike to nuclear weapons and any other nuclear explosives.

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ANNEX B

Oral Statement given by
Secretary Rusk on December 8, 1965
to Ambassador Dobrynin
in Reply to Soviet Oral Statement
on Non-Proliferation Negotiations

The United States Government has carefully examined the oral statement made by Ambassador Dobrynin on October 29, 1965.

The United States Government agrees with the Soviet Government's view that the U.S. and the U.S.S.R. have a mutual interest in reaching an agreement to prevent the dissemination of nuclear weapons. We also agree that this is one of the most urgent problems and that it is ripe for constructive discussion. Finally, we agree that the objective should be that nuclear weapons really not be disseminated. As a recently-adopted General Assembly resolution which we both supported declares: "The treaty should be void of any loopholes which might permit nuclear or non-nuclear Powers to proliferate, directly or indirectly, nuclear weapons in any form."

We must point out, however, that as long as the Soviet Union has hundreds of intermediate and medium range nuclear missiles aimed at the territories of our allies in Europe, our allies are naturally going to desire participation in

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their defense against possible nuclear attack, but without the proliferation of nuclear weapons. For this reason, no non-proliferation treaty which, in addition to barring proliferation, also bars such participation will be acceptable to the United States. We have no intention of signing any agreement which would preclude our allies from participating in their own defense, so long as such participation does not involve proliferation.

We have assured your Government in the past that no proposal for the defense of NATO nations which we have supported would produce proliferation. Our proposals are, on the contrary, designed to prevent it. If, as your statement indicates, you do not accept this conclusion and believe such arrangements could in the future lead to proliferation, then you should join us in negotiating a treaty to prevent proliferation from taking place in any manner.

The United States is prepared to negotiate a treaty, such as the United States draft, which bars dissemination in any form, directly or indirectly. We are prepared to agree that no non-nuclear country acquire nuclear weapons, national control over nuclear weapons, the power itself to

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fire nuclear weapons, or information on how to manufacture nuclear weapons. We are prepared to agree that these things should not be done directly or indirectly, through third States or groups of States, or through units of the armed forces or military personnel of States, even if such units or personnel are under the command of a military alliance. Finally, to close any conceivable loophole that might otherwise remain, we are prepared to ban any action which would cause an increase in the total number of entities having independent power to use nuclear weapons.

We believe this to be a reasonable basis upon which a treaty could be negotiated, assuming the Soviet Government is interested in such a treaty. We believe it possible to proceed with negotiations promptly, in New York, in Geneva or elsewhere. To expedite those negotiations, Secretary Rusk suggested, and Foreign Minister Gromyko agreed, that a beginning be made with the articles of the two draft treaties upon which agreement appears to be close, and such talks have begun.

The United States Government continues to attach the greatest importance to achieving progress on the problem of proliferation, and is ready for constructive discussions to this end.

NON-PROLIFERATION TREATYOutline of Steps to Clear Away Underbrush
After Preliminary Meeting

Subsequent to an initial exchange of questions and explanations between the U.S. and the Soviet Union on Articles III-VII of the non-proliferation treaty, the United States might take the positions outlined below:

1. Amendments and Treaty Review. If the Soviets continue to insist on inclusion of their amendments clause (which is the same as that in the test ban treaty), the U.S. might offer to accept it, provided the Soviets accept the U.S. review clause. We could inform the Soviets that we have in mind initially suggesting to key non-nuclear powers that the blank in our review clause covering the number of years before review should be filled in with the number eight. However, we would ultimately be prepared to see six inserted and perhaps even five, if necessary. We think for the time being the blank should remain in the text. If the Soviets do agree to our review clause, they might be invited to join with us in advancing the tactics described above.

2. Withdrawal. (Art. VI in both treaties) There are two discrepancies between the U.S. and Soviet withdrawal clauses. Our clause omits the phrase "in exercising its national sovereignty" in stating that each party shall have the right to withdraw. Our clause also adds the requirement of a withdrawal notice to the Security Council (as well as to parties) and a statement of the extraordinary events thought to justify withdrawal. We should suggest that, if the Soviets can accept the additional requirements of Security Council notice and such a statement, we would be prepared to accept the Soviet formulation of the withdrawal provisions, including insertion of the phrase "in exercising its national sovereignty" and including other editorial changes. The phrase "in exercising its national sovereignty" was accepted by us in the test ban treaty negotiations, where it appeared of considerable importance to the Soviets. Of course, if the Soviets have strong objections for

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reasons that we cannot foresee to the additional requirement of the Security Council notification, then our proposal will probably not be agreeable to them. We should not indicate to the Soviets willingness at this time to drop the requirement of Security Council notification. In working out a treaty draft acceptable to Canada, we suggested insertion of Security Council notification, in lieu of a more extensive Security Council role. In the last analysis, of course, we would be able to accept a treaty provision without Security Council notification; we accepted the language now proposed by the Soviets when we negotiated the limited test ban treaty.

3. IAEA Safeguards. (U.S. Art. III) We should not indicate flexibility re deleting our provision for IAEA safeguards. We think this provision, even in its present watered-down form, is desirable. It is particularly valued by the AEC, and both the AEC and Chairman Holifield of the JCAE have urged that it be strengthened. There does not appear any good reason why the Soviet Union should not, in the long run, accept this clause or one like it. Indeed, we should suggest to the Soviets privately our desire to see it strengthened.

4. Soviet prohibition of support, encouragement or inducement. (Sov. Art. III) Soviet Article III prohibits support, encouragement or inducement to states seeking to own nuclear weapons. The limited test ban treaty contains a provision against "causing, encouraging or in any way participating in" prohibited explosions conducted anywhere. If the Soviets have in mind only utilization of language comparable to that in the limited test ban, reconciliation of our differences may not be difficult.

5. Entry into force of the treaty. (Art. III, para. 3) Assuming that the Soviets do not intend to require accession by France and Red China for entry into force, we might offer to delete our clause calling for a blank number of accessions (thus returning to the test ban formulation), if the Soviets will agree to language specifying that the treaty enters into

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force on ratification by the U.S., the U.K., and the U.S.S.R. As a compromise, we might agree for the time being to language in para 3 of Art. V which said the treaty would enter into force after its ratification by "the Governments of _____" understanding between us that the blank would be filled in with the U.S., the U.K. and the U.S.S.R.

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SOVIET TREATY

TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS

The States concluding this Treaty, hereinafter referred to as "the Parties to the Treaty",

Considering the devastation that would be visited upon all mankind by a nuclear war and the consequent need to make every effort to avert the danger of such a war and to take measures to safeguard the security of peoples,

In conformity with the resolutions of the United Nations General Assembly calling for the conclusion of an agreement on the prevention of the wider dissemination of nuclear weapons,

Desiring the earliest possible attainment of agreement on the complete prohibition and elimination of all types of nuclear weapons within the framework of general and complete disarmament under strict international control,

Desiring to further the easing of international tension and the strengthening of trust between States, thus facilitating the conclusion of a treaty on general and complete disarmament,

Have agreed as follows:

Article I

1. Parties to the Treaty possessing nuclear weapons undertake not to transfer such weapons in any form - directly or indirectly, through third States or groups of States - to the ownership or control of States or groups of States not possessing nuclear weapons and not to accord to such States or groups of States the right to participate in the ownership, control or use of nuclear weapons.

The said Parties to the Treaty shall not transfer nuclear weapons, or control over them or over their emplacement and use, to units of the armed forces or military personnel of States not possessing nuclear weapons, even if such units or personnel are under the command of a military alliance.

2. Parties to the Treaty possessing nuclear weapons undertake not to provide assistance - directly or indirectly, through third States or groups of States - to States not at present possessing nuclear weapons in the manufacture, in preparations for the manufacture or in the testing of such weapons and not to transmit to them any kind of manufacturing, research or other information or documentation which can be employed for purposes of the manufacture or use of nuclear weapons.

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Article II

1. Parties to the Treaty not possessing nuclear weapons undertake not to create, manufacture or prepare for the manufacture of nuclear weapons either independently or together with other States, in their own territory or in the territory of other States. They also undertake to refrain from obtaining nuclear weapons in any form - directly or indirectly, through third States or groups of States - for purposes of ownership, control or use and shall not participate in the ownership, control or use of such weapons or in testing them.

The said Parties to the Treaty shall not seek to acquire control over nuclear weapons or over their emplacement and use for units of their armed forces or personnel thereof, even if such units or personnel are under the command of a military alliance.

2. Parties to the Treaty not possessing nuclear weapons undertake not to obtain or seek to obtain, from States possessing nuclear weapons, assistance in the manufacture of such weapons or relevant manufacturing, research or other information or documentation which can be employed for purposes of the manufacture or use of nuclear weapons.

Article III

The Parties to this Treaty shall refrain from offering any support, encouragement or inducement to States seeking to own, manufacture or exercise control over nuclear weapons.

Article IV

1. Any Party may propose amendments to this Treaty. The text of any proposed amendment shall be submitted to the Depositary Governments, which shall circulate it to all Parties to the Treaty. Thereupon, if requested to do so by one third or more of the Parties, the Depositary Governments shall convene a conference, to which they shall invite all the Parties, to consider such amendment.

2. Any amendment to this Treaty must be approved by a majority of the votes of all the Parties to the Treaty, including the votes of all Parties possessing nuclear weapons. The amendment shall enter into force for all Parties upon the deposit of instruments of ratification by a majority of all the Parties, including the instruments of ratification of all Parties possessing nuclear weapons.

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Article V

1. This Treaty shall be open to all States for signature. Any State which does not sign the Treaty before its entry into force in accordance with paragraph 3 of this article may accede to it at any time.

2. This Treaty shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of, which are hereby designated the Depositary Governments.

3. This Treaty shall enter into force after its ratification by all Parties possessing nuclear weapons and the deposit of their instruments of ratification.

4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Treaty, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or accession to this Treaty, the date of its entry into force, and the date of receipt of any requests for conferences or other notices.

6. This Treaty shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations.

Article VI

This Treaty shall be of unlimited duration.

Each Party shall in exercising its national sovereignty have the right to withdraw from the Treaty if it decides that extraordinary events, related to the subject matter of this Treaty, have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other Parties to the Treaty three months in advance.

Article VII

This Treaty, the Russian, English, French, Spanish and Chinese texts of which are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of this Treaty shall be transmitted by the Depositary Governments to the Governments of the signatory and acceding States.

In witness whereof the undersigned, duly authorized, have signed this Treaty.

Done in ... copies at the city of on the ... day of

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D R A F T T R E A T Y

to prevent the spread of
nuclear weapons

The Parties to this Treaty,

Desiring to promote international peace and security,

Desiring in particular to refrain from taking steps which will extend and intensify the arms race,

Believing that the further spread of nuclear weapons will jeopardize these ends,

Recalling that Resolution 1665 (XVI) of the General Assembly of the United Nations urges all States to cooperate for these purposes,

Desiring to achieve effective agreements to halt the nuclear arms race, and to reduce armaments, including particularly nuclear arsenals,

Reaffirming their determination to achieve agreement on general and complete disarmament under effective international control,

Have agreed as follows:

Article I

1. Each of the nuclear States Party to this Treaty undertakes not to transfer any nuclear weapons into the national control of any non-nuclear State, either directly, or indirectly through a military alliance; and each undertakes not to take any other action which would cause an increase in the total number of States and other Organizations having independent power to use nuclear weapons.

2. Each of the nuclear States Party to this Treaty undertakes not to assist any non-nuclear State in the manufacture of nuclear weapons.

Article II

1. Each of the non-nuclear States Party to this Treaty undertakes not to manufacture nuclear weapons; each undertakes not to seek or to receive the transfer of such weapons into its national control, either directly, or indirectly through a military alliance; and each undertakes not to take any other action which would cause an increase in the total of States and other Organizations having independent power to use nuclear weapons.

2. Each of the non-nuclear States Party to this Treaty undertakes not to seek or to receive assistance in the manufacture of nuclear weapons, or itself to grant such assistance.

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Article III

Each of the States Party to this Treaty undertakes to cooperate in facilitating the application of International Atomic Energy Agency or equivalent international safeguards on all peaceful nuclear activities.

Article IV

In this Treaty

(A) "Nuclear State" means a State possessing independent power to use nuclear weapons as of

(B) "Non-nuclear State" means any State which is not a nuclear State.

Article V

1. This Treaty shall be open to all States for signature. Any State which does not sign this Treaty before its entry into force in accordance with paragraph 3 of this article may accede to it at any time.

2. This Treaty shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics, and the United States of America, which are hereby designated the Depositary Governments.

3. This Treaty shall enter into force on the deposit of instruments of ratification by Governments, including those of the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics, and the United States of America.

4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Treaty, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification of and accession to this Treaty, and the date of its entry into force.

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6. This Treaty shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations.

Article VI

1. This Treaty shall remain in force indefinitely subject to the right of any Party to the Treaty to withdraw from the Treaty if it decides that extraordinary events related to the subject matter of the Treaty have jeopardized the supreme interests of its Country. It shall give notice of such withdrawal to all other signatory and acceding States and to the United Nations Security Council three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

2. years after the entry into force of this Treaty, a conference of Parties may be held at a date and place to be fixed by agreement of two-thirds of the Parties in order to review the operation of the Treaty.

Article VII

This Treaty, of which the Chinese, English, French, Russian, and Spanish texts are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of this Treaty shall be transmitted by the Depositary Governments to the Governments of the signatory and acceding States.

In witness whereof the undersigned, duly authorized, have signed this Treaty.

Done in triplicate at the city of, the day of, one thousand nine hundred and sixty five.

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